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Remarks/Arguments

Claims 70-115 are currently pending in the application. Applicant has amended claim 70 for clarification. Claims 87-115 are new and are fully supported by the specification. For at least the reasons stated below, Applicant asserts that all claims are in condition for allowance.

1. 35 U.S.C. § 103 Rejections

Claims 70-81 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Webber*, U.S. Patent No. 6,167,378 (hereinafter "Webber"), in view of *Whipple, et al.*, U.S. Patent No. 6,289,385 B1 (hereinafter "Whipple"). Applicant initially notes that Examiners' rejection of independent claim 70 is partially based only on the alleged obvious extension of *Webber*. See Office Action, p.3 ¶¶ 2-4. Applicant asserts that such rejection is invalid considering the Examiner's previous contention that Applicant's prior amendment "filed on 12/1/03 [was] sufficient to overcome the Webber . . . [reference]." See Office Action, p. 2 ¶ 2. After that Amendment, no significant additional change was made. Therefore, a new rejection under 35 U.S.C. § 103(a) is now improper and Applicant respectfully requests withdrawal of the rejection.

In the event that Applicant misinterpreted the language of the Office Action, Applicant opposes the rejection because *Webber* fails to disclose all the limitations of the pending claims. *Webber* discloses a method which automates a supply chain for goods between manufacturers, consumers, and other intermediate parties. See *Webber* at Fig. 4, col. 3, ll. 37-38, col. 6, ll. 13-17. Its purpose is to integrate contracts among the separate entities participating in the supply chain such that fulfillment proceeds automatically with predetermined contracts. See *id.* at Abstract, ll. 9-12, col. 6, ll. 47-51. *Webber*, however, fails to disclose a third party operating independently of the supply chain system facilitating the proper use of information supplied by participants in the supply chain system.

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The present claimed invention operates to facilitate the proper connection between participants in a supply chain network. The present invention claims a "framework manager using a network to . . . use and evaluate information provided by the service provider via the network and the manufacturer to match the service to the offerings." Claim 70(c) as amended. In comparison, *Webber* only discloses the matching of participant contracts. See *Webber*, e.g., col. 6, ll. 62-64. However, no evaluation of potential matches is disclosed, nor is evaluation performed by a third party to determine the appropriate match of information regarding supply chain participant offerings or needs. The matching that is disclosed in *Webber* is that derived from automation. Furthermore, *Webber* does not teach toward using a third party to evaluate and match information derived from the supply chain. In fact, *Webber* teaches away from this concept, instead insinuating that only a participant member of the supply chain would initially evaluate available information when entering initial information. *Webber*, col. 6, ll. 31-37. Hence, Examiner's reliance on *Webber* is unfounded, and rejection based upon this prior art should be withdrawn.

Examiner also asserts that *Webber* discloses a method "causing a first business entity using a network" to receive information. Office Action, p. 2 ¶ 3. Applicant disagrees that the evidence cited by Examiner discloses a business entity using the network as claimed in Applicant's claimed invention. Examiner confuses the operation of the first business entity. In *Webber*, the first business entity is a participant in the supply chain system. Alternatively, Examiner may consider the system itself the equivalent of the first business entity. However, neither of these interpretations discloses what is claimed. Applicant claims a first business entity operating separately from the entities participating in the supply chain or the supply chain system itself. This separately operating entity then uses the supply chain to gather information to match offerings to services. In this regard,

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Webber is inapposite to the present claimed invention, and the rejection should be withdrawn.

Examiner also alleges that it is obvious that Webber's contracts management matching can involve contracts pertaining to installation management. Office Action, p. 3 ¶¶ 2-4. Applicant asserts that the citations to Webber relied upon by Examiner do not provide the disclosure or teaching necessary to render Applicant's claim invention obvious. The installations referred to in Webber are templates by which participants of the supply chain can manage their participation. Installation referred to in Applicant's claimed invention is installation of the products or services purchased which upgrade or modify the supply chain. Hence, there is no basis for an obviousness rejection.

Examiner further relies upon Whipple which purportedly discloses "an event manager or global collaboration manager that coordinates all aspects of project management and framework management." Office Action, p. 4, ¶ 1. Applicant respectfully disagrees with the characterization of Whipple. Whipple discloses an event manager which "generate[s] messages in response to memory slots being accessed." Whipple, Abstract, see also col. 4, II. 30-37. The event manager envisioned in Whipple acts to transmit event notices, not facilitate the combination of participants in the supply chain. See Whipple, col. 19, II. 4-28. This function is fundamentally different from that claimed in Applicant's claimed invention. In fact, the event manager of Whipple acts as an automation point, facilitating the automation claimed as part of the invention of Webber that occurs within the supply chain. Applicant's claimed invention facilitates the establishment of the supply chain. Therefore, Whipple is inapplicable when read in view of Webber. Accordingly, Webber and Whipple fail to disclose or suggest all the limitations of the claims. Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

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5. Conclusion

Applicant submits that for at least the reasons stated above, all pending claims are allowable over the art of record and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (612) 607-7387. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 60021-334801).

Respectfully submitted,



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